IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE Ms. JUSTICE G.ROHINI**

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**WRIT PETITION No. 11257 of 2004**

Between:

B. Venkata Siva Reddy, S/o Chinnapa Reddeppa Reddy,
R/o Bolta Cheruvu, Rayachoti Mandal, Kadapa District.

**..... PETITIONER**

AND

1. The Inspector of Police, Vigilance & Enforcement Cell (Civil Supplies), Tirupati, Chittoor District.
2 The Mandal Revenue Officer, Rayachoty, Kadapa District.

**.....RESPONDENS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of Mandamus declaring the seizure of 493 bags of rice (each 50 kgs) by the respondents on 19-5-2004 in the premises of Sri Narayana Swamy Oil Mill at Dr.No. 2/21 Masapet, Rayachoti, Kadapa district as illegal, arbitrary and against the provisions of Essential Commodities Act.

**Counsel for the Petitioner: MR.V.L.SURENDRA**

**Counsel for the Respondent Nos. 1&2: GP FOR CIVIL SUPPLIES**

**The Court at the admission stage made the following :**

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ORAL ORDER:

The petitioner seeks a Writ of Mandamus declaring the seizure of 493 bags of Rice (each 50 Kgs.) on 19.5.2004 in the premises of Sri Narayana Swamy Oil Mill at Door No.2/21, Masapet, Rayachoti, Kadapa District as illegal and arbitrary.

The petitioner states that he is a Civil Contractor and in connection with the work which was allotted under the Food For Work programme by the Panchayat Raj Department he received 493 bags of Rice towards part of wages to the labour. He states that since there is no proper place for storing the said rice, he has kept the same in Narayana Swamy Oil Mill, which is located at Door No.2/21, Masapet, Rayachoty, Kadapa District. While so, on 19.5.2004, the Inspector of Police, Vigilance & Enforcement cell (Civil Supplies), Tirupati, Chittoor Distrct, inspected the said mill and found the Rice stored by the petitioner and seized the same under the cover of panchanama, on the ground that the said Rice belongs to Food For Work programme. The petitioner filed this writ petition questioning the validity of the said seizure contending *inter-alia* that since the said Rice has been released under the Food For Work programme, in the absence of any specific allegation of diversion of the said Rice to black market, the respondents ought not to have seized the same.

The learned Government Pleader for Civil Supplies, on instructions, submits that under the Food For Work programme the Rice will normally be allotted to the concerned fair price shop dealer and there is no practice of releasing the Rice to the contractor himself. The learned Government Pleader contended that since a crime has already been registered and proceedings are pending before the Court, it is for the petitioner to move an application before the Court where the proceedings are pending seeking release of the seized stock.

Having regard to the facts and circumstances of the case which involved disputed questions of fact and keeping in view that proceedings are pending before the competent Court of law, it would be appropriate for the petitioner to seek redressal in the Court where the criminal proceedings are pending. Hence, the relief as prayed for in the writ petition cannot be granted. Accordingly, granting leave and liberty, the Writ Petition is disposed of. No costs.

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26th JULY, 2004

SJ/ARS

To:

1. The Inspector of Police, Vigilance & Enforcement Cell (Civil Supplies), Tirupati, Chittoor District.
2 The Mandal Revenue Officer, Rayachoty, Kadapa District.
3. Two CCs to the Government Pleader for Civil Supplies, High Court Building, Hyderabad. (OUT)
4. Two C.D. copies.